IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9990 of 2005

Between:

Mohd. Kareem Khan S/o. Haji Adam Khan
R/o. Laxminarayanpur Yalal, Mandal, Ranga Reddy District.

..... PETITIONER

AND

1 The Mandal Revenue officer, Tandur.
2 The Revenue Divisional Officer, Vikarabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass an order, or writ more particularly one in the nature of writ of Mandamus to declare that the seizure of the vehicle bearing No. AP 28 V 5562, Trolley Bearing No. AP 28 V 5563 by the Respondents No. 1 & 2 is illegal, arbitrary and unconstitutional and contrary to the provisions of A.P. water, Land & Trees Act 2002 and consequently direct the Respondents to release the Vehicle bearing No. AP 28 V 5562, Trolley bearing No. AP 28 V 5563 in favour of the petitioner.

Counsel for the Petitioner: MRVENKATARAGHU RAMULU

Counsel for the Respondents: GP FOR REVENUE

This Court at the admission stage made the following:

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO :9990 of 2005

O R D E R:

This writ petition is filed questioning the seizure of the vehicle bearing No. AP 28 V 5562 along with Trolley bearing No. AP 28 V 5563 by the respondents 1 and 2.

The petitioner contends that the impugned seizure is in violation of the provisions of the Andhra Pradesh Water, Land and Trees Act, 2002 (for short 'the Act') and therefore, it is necessary in the interest of justice to release the vehicle-in-question forthwith.

As can be seen from the material on record, the petitioner has already moved an application dated 23-04-2005 before the first respondent seeking release of the seized vehicle, and the same is pending before the first respondent who is the competent authority under the Act.

In the circumstances, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition directing the first respondent to consider the said application.

The writ petition is accordingly disposed of with a direction to the first respondent to consider the application dated 23-04-2005 made by the petitioner for release of the seized vehicle and pass appropriate orders, in accordance with law, as expeditiously as possible, preferably within a period of one week from the date of receipt of a copy of this order. No costs.

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(**G. ROHINI, J**)

Date: 28-04-2005

ghn

To

1 The Mandal Revenue officer, Tandur.
2 The Revenue Divisional Officer, Vikarabad.

3 Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T.)

4 Two CD copies.

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.9990 OF 2005

OPERATIVE PORTION (BY WIRE):

The writ petition is accordingly disposed of with a direction to the first respondent to consider the application dated 23-04-2005 submitted by the petitioner for release of the seized vehicles and pass appropriate orders, in accordance with law, as expeditiously as possible, preferably within a period of one week from the date of receipt of a copy of this order.

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(**G. ROHINI, J**)

Date: 28-04-2005

Note:

1. Issue wire at party's costs.

2. Please send the bundle to the Court Masters Section after dispatch of the wire order.

B/o

ghn